

Before the
COPYRIGHT ROYALTY JUDGES
Washington, D.C.

In re

**DISTRIBUTION OF CABLE
ROYALTY FUNDS**

)
)
) **Docket No. 14-CRB-0010-CD (2010-13)**
)
)

**JOINT SPORTS CLAIMANTS' REPLY TO BRIEFING
IN RESPONSE TO ORDER SOLICITING FURTHER BRIEFING**

The Joint Sports Claimants ("JSC") submit the following reply to the briefing of other parties in response to the Copyright Royalty Judges' ("Judges") Order in 2010-2013 Allocation Proceeding Soliciting Further Briefing (June 29, 2018) ("June 29 Order").

ARGUMENT

I. The Propriety of a Nonparticipation Adjustment Turns Upon the Methodology the Judges Employ to Allocate the Basic Fund.

The Public Television Claimants ("PTV") have argued that PTV "must receive a proportionally larger share of the Basic Fund" because PTV receives "no shares from the other Funds." June 29 Order at 1 (quoting PTV PFOF ¶ 43).¹ As previously discussed, PTV is not entitled to a "larger share of the Basic Fund" simply because it does not participate in the 3.75%

¹ All parties agree that PTV is not entitled to any share of 3.75% royalties and that the 3.75% Fund should be allocated among the remaining parties in the same proportion as the Basic Fund. See Joint Sports Claimants' Response to Order Soliciting Further Briefing, 14-CRB-0010-CD (2010-13) (July 16, 2018) ("JSC Response") at 2-4; PTV's Brief Addressing Rationale and Calculation of Basic Fund Adjustment in Accordance with the Judges' June 29, 2018 Order ("PTV Response") at 5; Affidavit of Linda McLaughlin Clarifying Evidence in the Record in Accordance with the Judges' June 29, 2018 Order ("McLaughlin Affidavit") at 1; Program Suppliers' Memorandum of Law and Supporting Declarations Responding to Order Soliciting Further Briefing ("PS Response") at 1, 3; Commercial Television Claimants' Initial Brief in Response to the Judges' June 29, 2018 Order ("CTV Response") at 2; Settling Devotional Claimants' Brief in Response to Order Soliciting Further Briefing on Allocation ("SDC Response") at 2; Response of Canadian Claimants Group to the Judges' June 29 Order Soliciting Further Briefing ("CCG Response") at 6.

and Syndex Funds (“nonparticipation adjustment”). *See* JSC Response at 5-8. Any nonparticipation adjustment would be made, if at all, only in the results of a particular study—not in PTV’s Basic Fund allocation (except to the extent that the Judges tie PTV’s Basic Fund allocation directly to such results). All parties, including PTV, appear to recognize that the Judges must evaluate the propriety of PTV’s request for a nonparticipation adjustment on a study-by-study basis, and that PTV’s entitlement to that adjustment turns upon the methodology the Judges employ to allocate the Basic Fund.²

II. PTV Is Entitled to a Nonparticipation Adjustment If, as JSC and Other Parties Have Urged, the Judges Follow the Precedent Established in the Most Recent Phase I Proceedings and Tie the Basic Fund Allocations to the Bortz Results.

Throughout the current proceeding, PTV has urged the Judges to reject the precedent established in the 1998-99 and 2004-05 proceedings where the Judges tied Basic Fund allocations to the Bortz survey results. *See* PTV PFOF ¶¶ 46-88; PTV PCOL ¶¶ 24-27; PS Response at 7 & n.20. PTV has taken this position even though it advocated for adoption of Bortz in the 2004-05 proceeding and discounted the very criticisms of Bortz that it makes in this proceeding. *See* Appendix A to JSC Response, Declaration of Michael Kientzle, Ex. 1 (Corrected Proposed Findings of Fact and Conclusions of Law of the Settling Parties, No. 2007-3 CRB CD 2004-05 (Mar. 24, 2010) ¶¶ 62, 96-125, 267-96). In its Response, PTV argues that the Judges should adopt the 1998-99 and 2004-05 precedent insofar as it accorded PTV a favorable nonparticipation adjustment. *See* PTV Response at 10-17.

² *See* PTV Response at 1, 12-16; PS Response at 7-8; CTV Response at 5-6; SDC Response at 7-9; CCG Response at 6.

JSC believes that the Judges should follow the precedent³ established in the last two litigated Phase I proceedings; they should make a non-participation adjustment in the *Bortz survey results* alone and tie the Basic Fund allocations to those results. The Settling Devotional Claimants (“SDC”) and Commercial Television Claimants (“CTV”) agree. *See* SDC Response at 2; CTV Response at 6. The Canadian Claimants (“CCG”) take no position on PTV’s request for a nonparticipation adjustment. Program Suppliers state that the decisions cited by PTV “expressly limited” a PTV nonparticipation adjustment “to circumstances where the royalty award for PTV was based *solely* on the augmented Bortz shares.” PS Response at 2 (emphasis in original); *see id.* at 5-6. They argue that because PTV has urged the Judges not to follow that precedent PTV is not entitled to a nonparticipation adjustment in Bortz or any other study “as a matter of law.” *See id.* at 7.

JSC support CTV’s approach to calculating the Basic Fund allocations of each of the parties. *See* CTV Response at 7-11. That approach generally follows the one that the Judges

³ Program Suppliers mischaracterize the 1998-99 CARP as having “departed from precedent” when it relied “solely” on Bortz to determine the Basic Fund allocations for certain parties (Program Suppliers, JSC and CTV). PS Response at 5. The CARP’s decision reflected the culmination of a trend in which decision-makers increasingly accorded greater weight to Bortz and less weight to subscriber viewing. *See* Report of the Copyright Arbitration Royalty Panel to the Librarian of Congress, No. 2001-8 CARP CD 98-99, at 91-92 (Oct. 21, 2003) (“1998-99 CARP Report”) (“Successive decision-makers have been according greater and greater weight to Bortz, and concomitantly lesser weight to Nielsen. Our decision today is the natural evolution of a discernable trend.”); 1998-99 Cable Royalty Distribution Proceeding, 69 Fed. Reg. 3606, 3609 (Jan. 26, 2004) (“1998-99 Librarian’s Order”) (“[T]he role of the Nielsen study . . . [had] eroded considerably through the years,” and the CARP’s decision “continue[d] this trend.”); *Program Suppliers v. Librarian of Congress*, 490 F.3d 395, 402 (D.C. Cir. 2005) (“Here, as the Librarian recognized, the CARP . . . ‘continued a trend from prior decisions that placed less and less reliance on the weight to be accorded the Nielsen study.’”) (quoting 1998-99 Librarian’s Order). In the early proceedings where the CRT accorded controlling weight to viewing, the evidentiary records did not include either a Bortz survey or regression analysis; nor did they contain (as did the record here) hard data demonstrating that relative “viewing” (as defined by Program Suppliers’ witness Dr. Gray) does not equate with relative marketplace value, particularly for JSC programming. *See* JSC PFOF ¶¶ 154-56.

adopted in the 2004-05 proceeding and includes a PTV nonparticipation adjustment in the Bortz results. JSC also agree that the nonparticipation adjustment in the Bortz results should be based (as in the 2004-05 proceeding) upon the relative amounts of royalties in the Basic, 3.75 and Syndex Funds and that the PTV spreadsheet attached to the McLaughlin Affidavit can be used to make that adjustment to Bortz. However, the record contains conflicting data as to the precise amount of royalties in those funds.⁴ JSC believes that, in calculating PTV's nonparticipation adjustment to the Bortz results, the Judges should rely upon the most recent data compiled by the Copyright Office's Licensing Division. *See* CTV Response at 10 n.19.

III. PTV Is Not Entitled to a Nonparticipation Adjustment If the Judges Adopt a New Methodology to Allocate the Basic Fund.

PTV argues that it should receive a nonparticipation adjustment in the results of each of the global studies that the parties offered in this proceeding, and not only in the Bortz results, because each study focuses on what PTV terms the "Combined Royalty Funds," *i.e.*, the Basic, 3.75% and Syndex Funds. According to PTV, the nonparticipation adjustment "is now established precedent" and there is no record basis to depart from that precedent. *See* PTV Response at 5, 10-16. As discussed below, neither precedent nor the record justifies a PTV nonparticipation adjustment in the results of any study other than the Bortz surveys.⁵

⁴ For example, McLaughlin says that the "2010-1" Basic Fund amounts to 87.1% of the total 2010 royalty fund. *See* McLaughlin Affidavit at 8, Table 1. She cites "CDC data" as the source of this calculation. *See id.* at 7 n.23. According to CCG, CDC data show that the Basic Fund amounts to 86.4% of the total 2010 royalty fund. *See* CCG response at 5. Both McLaughlin and CDC rely upon data compiled approximately two years ago. While the percentage differences are relatively small, the dollar differences can be significant given that the total 2010-13 royalty funds amounts to over \$800 million.

⁵ PTV repeatedly, and erroneously, suggests that Mr. Trautman and JSC "confirmed" the need for PTV's nonparticipation adjustment in all global studies. PTV Response at 8, 8 n.41, 9, 9 n.44, 11, 11 n.56. Mr. Trautman and JSC applied the nonparticipation adjustment *only to the Bortz survey results*, and not to any other methodology. *See* Ex. 1002 at 38-39 (Trautman); Tr. 633 (Trautman); JSC PCOL ¶¶ 17, 29, 30; JSC RPFOF ¶ 34(c). Agreeing to a nonparticipation

A. Fee Generation

In discussing the methodologies that may be considered to determine PTV's Basic Fund allocation, PTV ignores the record evidence establishing the amount of Section 111 fees that cable system operators ("CSOs") actually paid to import distant PTV signals ("fee generation"). The Judges' predecessors have considered PTV's share of fee generation in determining PTV's Basic Fund allocation and have consistently awarded PTV a share of the Basic Fund that is comparable to PTV's fee generation share. *See* JSC Response at 5 n.2, 8 n.5; Distribution of the 2000-03 Cable Royalty Funds, 75 Fed. Reg. 26798, 26801-03 (May 12, 2010).⁶ Given Ms. Martin's testimony on behalf of CCG establishing PTV's fee generation share of the Basic Fund alone as approximately 5.4% (*see* Ex. 4009 at 108 (Martin); JSC PFOF ¶ 195), there is no need to apply a nonparticipation adjustment if the Judges rely upon fee generation in determining PTV's Basic Fund allocation. *See* JSC Response at 8 n.5.

B. PTV Study of Distant Subscriber Instances

When PTV originally submitted its written direct statement, PTV sought a Basic Fund allocation approximately the same as PTV's augmented Bortz share, based solely upon changes in "distant subscriber instances" ("DSI"). *See* Written Direct Statement of Public Television,

adjustment of Bortz does not mean that PTV should receive such an adjustment regardless of which methodology is used. *See* 1998-99 CARP Report at 26, n.10 (applying the nonparticipation adjustment in the Bortz results while rejecting the position that PTV "is entitled to such an adjustment *no matter which methodology* is employed").

⁶ In this proceeding, PTV seeks a Basic Fund allocation (21.7%, including a nonparticipation adjustment) that is approximately four times (or approximately \$122 million) more than the royalties that CSOs actually paid to carry distant PTV signals during 2010-13. *See* JSC PFOF ¶ 195 (citing Ex. 4009 at 108 (Martin)); PTV PFOF ¶ 44. Ironically, PTV recognizes that it is not entitled to any share of the 3.75% royalties because CSOs did not pay any such royalties to import distant PTV signals. *See* PTV Response at 4-5; note 1 *supra*. Yet, PTV maintains that it is entitled to tens of millions of dollars of royalties that CSOs paid to carry distant signals other than PTV signals and seeks a nonparticipation adjustment worth tens of millions of dollars in addition to that amount.

No. 14-CRB-0010-CD (2010-13) (Dec. 22, 2016); Tr. 2494-96 (McLaughlin). The DSI study is the only quantifiable evidence that PTV has offered to support its claim. However, PTV's Response does not even mention that study, let alone provide any record or precedential basis for a nonparticipation adjustment in its results. PTV says that other parties could have presented studies "tailored" to each of the Basic, 3.75% and Syndex Funds. PTV Response at 10 n.50. But PTV does not say, and the record does not establish, whether PTV's own study was "tailored" in that way.

C. Regressions

Consistent with the determinations made in the 1998-99 and 2004-05 proceedings, the Judges should use the Israel and Crawford regressions for the purpose of corroborating the Bortz results. *See* JSC PFOF ¶¶ 98-103, 113; JSC PCOL ¶ 13; JSC RPFOF ¶¶ 52-53, 56; CTV PFOF ¶¶ 62, 66, 70-72, 240.⁷ However, PTV seeks to tie its 2010-13 Basic Fund allocation directly to the Crawford results, while requesting a nonparticipation adjustment in those results. *See* PTV PFOF ¶¶ 25, 44; PTV Response at 13-15.⁸ Any such nonparticipation adjustment would increase the PTV 2010-13 Crawford share by approximately two percentage points—to nearly 22% or approximately fourteen percentage points (over \$100 million) more than PTV's last litigated

⁷ Dr. Gray's declaration attached to the PS Response sets forth Gray's "modifi[cations]" to the Israel and Crawford results without showing the actual results of those studies. *See* Declaration of Jeffrey S. Gray, Ph.D. at Tables 1 & 3. Gray's purported "modifications" constituted a major departure from the original studies and were inappropriate. *See* JSC PFOF ¶¶ 109, 110, 116; CTV PFOF ¶¶ 52-54; PTV PFOF ¶ 41.

⁸ More specifically, PTV requests an award that is tied to Crawford's "initial" regression analysis rather than Crawford's "preferred" "non-duplicate minutes" analysis. *See* PTV PFOF ¶¶ 21-33; PTV PCOL ¶ 31. Apparently, PTV favors Crawford's initial analysis because that analysis would accord PTV approximately two percentage points more than Crawford's preferred analysis (and approximately eleven percentage points more than the adjusted Bortz study, for which PTV advocated in the 2004-05 proceeding). *See* CTV PFOF ¶¶ 43 & 46; JSC PFOF ¶ 46.

award in the 2004-05 proceeding. *See* PTV PFOF ¶ 25; PTV PCOL ¶ 31; Distribution of the 2004 and 2005 Cable Royalty Funds, 75 Fed. Reg. 5703, 57071 (Sept. 10, 2010).

PTV claims that precedent supports an adjustment in all the studies, including the Israel and Crawford regressions. *See* PTV Response at 12-15. But there is no precedent supporting a nonparticipation adjustment in regression analyses. To the contrary, the 1998-99 CARP expressly *rejected* PTV's request to apply a nonparticipation adjustment to the Rosston regression. *See* 1998-99 CARP Report at 48 n.21, & 59 n.29; PTV Response at 6 n.23 ("The Panel declined to apply an adjustment to Dr. Rosston's regression analysis"). And the Judges in their 2004-05 final determination made no adjustment in the Waldfogel regression (or any study other than Bortz) to account for PTV's nonparticipation in the 3.75% Fund. None of the arguments raised in PTV's Response provides a proper basis for making a PTV nonparticipation adjustment in the Israel or Crawford regressions.

First, PTV says that Dr. Rosston agreed with a nonparticipation adjustment. PTV Response at 13-14. However, the 1998-99 CARP was fully aware of Dr. Rosston's testimony on this point and even invited the parties to submit rebuttal testimony and proposed findings concerning it. *See* Order, No. 2001-8 CARP CD 98-99, at Appendix A, ¶ 8 (June 4, 2003). After considering the record, the 1998-99 CARP expressly disagreed with Dr. Rosston that his regression results should be adjusted to account for PTV's nonparticipation in the 3.75% Fund. *See* 1998-99 CARP Report at 48 n.21, & 59 n.29.

Second, PTV cites written and oral testimony from Dr. Waldfogel in the 2004-05 proceeding, claiming that Waldfogel also supported a nonparticipation adjustment. *See* PTV Response at 14-15. PTV has mischaracterized that testimony. In the written direct testimony cited by PTV, Waldfogel noted that Rosston's regression had been criticized as

overcompensating PTV “because the dependent variable in the regression is total royalty payments, including those paid to the 3.75% fund, but public stations do not receive payments from the 3.75% fund.” Ex. 1051, Appendix 3 at 3 (Waldfogel). Waldfogel responded only that, in his opinion, the regression approach did not overcompensate PTV; he did not testify that PTV was entitled to a nonparticipation adjustment. *See id.*

Contrary to PTV’s assertion, Waldfogel did not “agree” in his oral testimony that a nonparticipation adjustment was “necessary.” PTV Response at 14. Waldfogel acknowledged that his regression results applied to “all funds together,” Ex. 1052 at 69 (Waldfogel), but he did not say that a nonparticipation adjustment should be made to his regression. Instead, when Waldfogel was asked on cross-examination how his regression accounts for a claimant that does not participate in the 3.75% Fund, he simply explained that the regression included an indicator variable for systems subject to 3.75% fees. *Id.*⁹

⁹ The full colloquy on this point, from which PTV selectively quotes, is as follows:

Q. And do you intend for your regression results to apply to all funds together or to individual funds?

A. I believe all funds together, because what's in the independent variable is what's going into all the funds together.

Q. Now, what if one of the Claimants in this proceeding was not entitled to one of the funds, let's say the 3.75 fund, how does your regression account for that?

A. Well, there is an indicator for the 3.75.

Q. It's a dummy variable, right?

A. There's that dummy variable.

Q. Okay. What does that do?

A. Well, it allows for a different average payment from systems that are subject to that -- whose distant signals make them subject to that.

Q. Could you run -- could you run a

Finally, PTV chose not to cross-examine Israel or Crawford about the need for a nonparticipation adjustment in their regression analyses; instead, it has relied upon McLaughlin to make a case for that adjustment. *See* PTV Response at 12-13. But McLaughlin has testified only that a nonparticipation adjustment should be made because the Crawford and Israel regressions estimate value to CSOs based on “shares of the Combined Royalty Funds.” Rosston likewise testified that his regression estimated PTV’s share of the total royalty pool, and the 1998-99 CARP nonetheless rejected the PTV nonparticipation adjustment to his regression. Ex. 1046 at 71 (Rosston). The Judges also did not make any nonparticipation adjustment in the Waldfogel regression. McLaughlin has not presented any evidence showing why the Judges should reach a different conclusion here.

In short, precedent established that PTV is not entitled to any nonparticipation adjustment in regression analyses. Accordingly, the burden was on PTV to establish why the Judges in this proceeding should depart from that precedent—to provide the Judges with record evidence and a reasoned explanation for why precedent should not be followed. *See* PTV Response at 9-10. PTV has not met that burden.

separate regression on non 3.75 systems?

A. As a matter of computer programming, you could.

Q. Okay. And could you run a regression on 3.75 systems?

A. As a matter of computer programming, you could. Neither would necessarily be a desirable thing you would like to do. One wants to use as much data as possible to identify coefficients.

Ex. 1052 at 69 (Waldfogel).

D. Horowitz Survey

The precedent established in the 1998-99 and 2004-05 proceedings concerning the PTV nonparticipation adjustment would apply equally to any CSO survey results. However, for the reasons JSC (and CTV) have advanced, the Judges should not place any reliance upon the methodologically-flawed Horowitz surveys. *See* JSC PFOF ¶¶ 122-45; CTV PFOF ¶¶ 131-44. It would be particularly inappropriate to rely upon the 2012 and 2013 Horowitz surveys and then adjust upwards the PTV share to account for nonparticipation in the 3.75% Fund. That is because the Horowitz surveys improperly asked respondents in those years to value PTV signals for which no royalties were paid and thus significantly overvalued PTV programming. *See* JSC PFOF ¶¶ 136-38.

E. Gray Viewing Study

For the reasons JSC previously explained, the Judges should not rely upon Gray's viewing study. Nothing in the record provides a proper basis for disregarding the CARP, Librarian and D.C. Circuit precedent which establishes that relative viewing does not equate with relative value (particularly for JSC programming) and that any viewing data needs to be adjusted even to approximate marketplace value. *See, e.g.*, JSC PFOF ¶¶ 50-54, 146-92; JSC RPFOF ¶¶ 5-10; JSC PCOL ¶¶ 15, 18-20, 25-26. Moreover, Gray's viewing study contains numerous errors, omissions, and methodological issues that render it unreliable. *See, e.g.*, JSC PFOF ¶¶ 148-88.

PTV and Program Suppliers disagree about whether a nonparticipation adjustment should be made to Gray's viewing study. *See* PTV Response at 16; PS Response at 7-8.¹⁰ While PTV

¹⁰ According to the uncorrected Gray study, PTV's share of 2010-13 viewing is approximately 33%. Ex. 6036 at p. 19, Table 2 (Gray). With a nonparticipation adjustment that share would rise to approximately 38%. *See* McLaughlin Affidavit at Appendix 2. Understandably, not even PTV claims that its relative marketplace value comes close to its Gray "viewing" share. Indeed,

asserts that the nonparticipation adjustment should apply, the Judges' predecessors did not apply such an adjustment in any of the prior Phase I proceedings where they accorded some weight to viewing data. *See, e.g.,* Report of the Copyright Arbitration Royalty Panel to the Librarian of Congress, No. 94-3 CARP CD 90-92 (May 31, 1996).

McLaughlin herself did not present a nonparticipation adjustment to the viewing study in her written or oral testimony in this proceeding. *See* Ex. 3012 at 25, Table 3 (McLaughlin); McLaughlin Affidavit at 1 n.1, 5 n.18. Although PTV submits a new declaration from McLaughlin claiming that "viewing shares also are directed to the allocation of the Combined Royalty Funds," *id.* at 5 n.18, she has not provided any reasoned explanation for why the Judges should disregard the prior precedent. She has simply asserted that the Gray study "aims to estimate the audience share of total compensable programming time for each of the programming categories, with no separation of programming paid at the base rate, the 3.75 rate, and the Syndex fee." *Id.* All of Program Suppliers' prior viewing studies, including those rejected by the Judges' predecessors, made the same "estimate."

CONCLUSION

For the reasons discussed above, if the Judges follow the precedent established in the 2004-05 proceeding and tie the parties' Basic Fund allocations to the Bortz results, PTV's Bortz share should be increased to account for PTV's nonparticipation in the 3.75% Fund. And no other nonparticipation adjustment should be made in the PTV Basic Fund allocation. If the Judges depart from that precedent and utilize a different methodology to allocate the Basic Fund

only about 15-17% of all cable subscribers who received distant signals during 2010-13 received distant PTV signals, and many of those subscribers received one or more distant commercial signals as well. *See* JSC PFOF ¶ 196.

royalties, there is no record or precedential basis for adjusting PTV's Basic Fund allocation to account for PTV's nonparticipation in the 3.75% Fund.

Dated July 30, 2018

Respectfully submitted,

JOINT SPORTS CLAIMANTS

/s/ Michael Kientzle

Robert Alan Garrett (D.C. Bar No. 239681)

Daniel A. Cantor (D.C. Bar No. 457115)

Michael Kientzle (D.C. Bar No. 1008361)

Bryan L. Adkins (D.C. Bar No. 988408)

ARNOLD & PORTER

KAYE SCHOLER LLP

601 Massachusetts Avenue, N.W.

Washington, D.C. 20001

202.942.5000 (voice)

202.942.5999 (facsimile)

Robert.Garrett@arnoldporter.com

Daniel.Cantor@arnoldporter.com

Michael.Kientzle@arnoldporter.com

Bryan.Adkins@arnoldporter.com

*Counsel for the Office of the
Commissioner of Baseball*

Philip R. Hochberg (D.C. Bar No. 5942)
LAW OFFICES OF PHILIP R.
HOCHBERG
12505 Park Potomac Avenue
Sixth Floor
Potomac, MD 20854
Phochberg@shulmanrogers.com
301-230-6572
*Counsel for the National Basketball
Association, National Football
League, National Hockey League and
Women's National Basketball Association*

Ritchie T. Thomas (D.C. Bar No. 28936)
SQUIRE PATTON BOGGS (US) LLP
2550 M St., N.W.
Washington, D.C. 200037
202.626.6600 (voice)
202.626.6780 (facsimile)
Ritchie.Thomas@squirepb.com
*Counsel for National Collegiate
Athletic Association*

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of July, 2018, a copy of the foregoing Joint Sports Claimants' Reply to Briefing in Response to Order Soliciting Further Briefing was provided to each of the parties listed below via eCRB's electronic filing system or by Federal Express overnight mail where required by 37 C.F.R. § 350.6(h)(1):

MPAA-REPRESENTED PROGRAM SUPPLIERS

Gregory O. Olaniran
MITCHELL SILBERBERG & KNUPP LLP
1818 N Street N.W.
8th Floor
Washington, D.C. 20036
Tel: (202) 355-7817

COMMERCIAL TELEVISION CLAIMANTS NATIONAL ASSOCIATION OF BROADCASTERS

John I. Stewart, Jr.
CROWELL & MORING LLP
1001 Pennsylvania Ave., NW
Washington, DC 20004-2595
Telephone: (202) 624-2685

PUBLIC TELEVISION CLAIMANTS PUBLIC BROADCASTING SERVICE

Ronald G. Dove, Jr.
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street, N.W.
Washington, DC 20268
Telephone: (202) 662-5685

AMERICAN SOCIETY OF COMPOSERS, AUTHORS, AND PUBLISHERS

Samuel Mosenkis
ASCAP
One Lincoln Plaza
New York, NY 10023
Telephone: (212) 621-6450

SESAC, INC.

John C. Beiter
Leavens, Strand & Glover, LLC
1102 17th Avenue South
Suite 306
Nashville, TN 37212
Telephone: (615) 341-3457

Christos P. Badavas
SESAC
152 West 57th Street
57th Floor
New York, NY 10019
Phone: (212) 586-3450

BROADCAST MUSIC, INC.

Joseph J. DiMona
BROADCAST MUSIC, INC.
7 World Trade Center
250 Greenwich Street
New York, NY 10007-0030
Telephone: (212) 220-3149

Brian A. Coleman
DRINKER BIDDLE & REATH LLP
1500 K Street, NW – Suite 1100
Washington, DC 20005
Telephone: (202) 842-8800

CANADIAN CLAIMANTS GROUP

Kendall Satterfield
Satterfield PLLC
1629 K Street, Suite 300
Washington, DC 20006
Telephone: (202) 355-6432

Victor J. Cosentino
Larson & Gaston LLP
200 S. Los Robles Ave., Suite 530
Pasadena, CA 91101
Telephone: (626) 795-6001

**ARENA FOOTBALL ONE, LLC
MAJOR LEAGUE SOCCER**

Edward S. Hammerman
HAMMERMAN PLLC
5335 Wisconsin Avenue, N.W., Suite 440
Washington, D.C. 20015-2054
Tel: (202) 686-2887

PROFESSIONAL BULL RIDERS

Arnold P. Lutzker
LUTZKER & LUTZKER LLP
1233 20th Street, NW, Suite 703
Washington, DC 20036
Telephone: (202) 408-7600

DEVOTIONAL CLAIMANTS

Arnold P. Lutzker
LUTZKER & LUTZKER LLP
1233 20th Street, NW, Suite 703
Washington, DC 20036
Telephone: (202) 408-7600

Matthew J. MacLean
PILLSBURY WINTHROP SHAW
PITTMAN LLP
2300 N Street, NW
Washington, DC 20037
Telephone: (202) 663-8525
Fax: (202) 663-8007

**MULTIGROUP CLAIMANTS
SPANISH LANGUAGE PRODUCERS**

Brian D. Boydston
PICK & BOYDSTON LLP
10786 Le Conte Avenue
Los Angeles, CA 90024

NATIONAL PUBLIC RADIO

Gregory A. Lewis
NATIONAL PUBLIC RADIO
1111 North Capitol Street, NE
Washington, DC 20002
Tel: (202) 513-2050

/s/ Michael Kientzle

Michael Kientzle

Proof of Delivery

I hereby certify that on Monday, July 30, 2018 I provided a true and correct copy of the Joint Sports Claimants' Reply to Briefing in Response to Order Soliciting Further Briefing to the following:

Canadian Claimants Group, represented by Lawrence K Satterfield served via Electronic Service at lksatterfield@satterfield-pllc.com

Devotional Claimants, represented by Michael A Warley served via Electronic Service at michael.warley@pillsburylaw.com

MPAA-represented Program Suppliers, represented by Lucy H Plovnick served via Electronic Service at lhp@msk.com

Commercial Television Claimants (CTC), represented by John Stewart served via Electronic Service at jstewart@crowell.com

Public Television Claimants (PTC), represented by Ronald G. Dove Jr. served via Electronic Service at rdove@cov.com

Signed: /s/ Michael E Kientzle